

AGNIFILO INTRATER

February 18, 2025

VIA ECF

Hon. Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: ***United States v. Combs, 24-cr-542 (AS)***

Dear Judge Subramanian:

We write in reference to the above-captioned case to request that the Court rule on Mr. Combs' motion for Bill of Particulars (ECF 36). As Your Honor is aware, we requested at the December 2024 status conference that the Court keep the defense motion open pending our receipt of discovery in this case. Counsel stated that we "expect that there will be some new issues, motions, whether it be bills of particulars requests or specific *Brady* requests that flow once all the discovery is given to us." 12/18/24 Tr. at 9.

Pursuant to this Court's scheduling order (ECF 125), the government provided defense counsel with their enterprise letter on February 1, 2025. We have since conferred with the government, requesting a list of the anonymized victims and witnesses listed in the enterprise letter. The government responded that they would provide the defense with this list when they produce 3500 material on March 21, 2025. The government has produced over 20 TB of information, and it is impossible to do a proper defense investigation as to the allegations in the enterprise letter in less than 2 months without the names of the individuals, both alleged victims and potential witnesses, who are listed in the enterprise letter. *See United States v. Bortnovsky*, 820 F.2d 572, 575 (2d Cir. 1987) ((ruling that "the district court erred by failing to grant a bill of particulars which was vital to appellants' understanding of the charges pending and to the preparation of a defense" and that the government "did not fulfill its obligation merely by providing mountains of documents to defense counsel who were left unguided . . .").

Respectfully, we seek a ruling from the Court on our motion for a bill of particulars related to the alleged victims' names and also to the anonymized witnesses in the enterprise letter. *See Will v. United States*, 389 U.S. 90, 99, 88 S. Ct. 269, 275 (1967) ("[I]t is not uncommon for the Government to be required to disclose the names of some potential witnesses in a bill of particulars, where this information is necessary or useful in the defendant's preparation for trial.").

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February 18, 2025
Page 2 of 2

Thank you for your consideration.

Respectfully submitted,



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cc: All counsel (via ECF)